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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): K. Ramanan et al.
Case: 1-1
Serial No.: 09/393,949
Filing Date: September 10, 1999
Group: 2663
Examiner: Soon D. Hyun

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: _____ Date: May 19, 2004

Title: Method and Apparatus for Scheduling Traffic to Meet Quality of Service Requirements in a Communication Network

RESPONSE TO OFFICE ACTION

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The remarks below are submitted in response to the third non-final Office Action dated February 19, 2004 in the above-identified application.

REMARKS

The present application was filed on September 10, 1999 with claims 1-28. In the Office Action dated September 11, 2003, the Examiner rejected claims 1-3, 14-16, 27 and 28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,108,307 (hereinafter "McConnell"), and indicated that claims 4-13 and 17-26 contain allowable subject matter.

In this response, Applicants traverse the §102(e) rejection. Applicants respectfully request reconsideration of the present application in view of the following remarks.

With regard to the §102(e) rejection, Applicants initially note that MPEP §2131 specifies that a given claim is anticipated "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the "identical invention . . . in as complete detail